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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/748,982 | 12/30/2003 | Thomas B. Mader | 110578-135406 | 8241 |
| 25943 | 7590 | 07/17/2006 | EXAMINER | |
| SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204 | | | PENG, CHARLIE YU | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2883 | |

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,982

Applicant(s)

MADER ET AL.

Examiner

Charlie Peng

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/14/04

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. PGPub 2005/0084269 to Dallesasse et al. Dallesasse teaches a modular optical transceiver having a housing/casing 102 conforming to the industry standard XENPAK form factor, an optical communication board assembly having a base/bottom portion 104, a cover/top portion 106, a face plate 153, a fiber optic transmission connector plug 130, a fiber optic receiving connector plug 128, a transmit board 108, a receive board 110, and a PCS/PMA board (extender) 112 used to provide an electric interface to external electrical information system (client computing) device. (See at least Abstract, Fig. 2 and description.) Dallesasse is silent on the presence of an optical transmission connector and an optical reception connector as claimed, but it would have been immediately obvious to anyone of ordinary skill in the art at the time the invention was made to insert the optical transmission and receiving connectors into the connector plugs 128, 130 for the motivation of creating optical communication through the connector plugs, which is the primary function of the optical transceiver module.

With specific reference to claim 2, it can be clearly seen in Fig. 1 the connector plugs 128, 130 are located on a first end of the housing 106 while the extender board 112 is on a second end of the housing 106.

With specific reference to claim 3, 6 and 8, XENPAK is compatible with X2 MSA and uses the same Tyco Electronics-designed 70-pin electrical connector supporting four wire XAUI. (See conclusion for references.)

Allowable Subject Matter

Claim 14 is allowed. The following is an examiner's statement of reasons for allowance: XENPAK (10 Gigabit Ethernet), XPAK and X2 (10 Gigabit Small Form Factor Pluggable) are known in the art as optical communication standards. In fiber optical applications, manufacturers have used small form factor optical modules (X2 and XPAK) instead of XENPAK modules because of the smaller size and the cost savings with using multiple ports associated with these smaller modules. Prior art does not teach a board extender coupled to an XFP board configured to communicate data between the X2 and XPAK board and a client computing device. It is the examiner's opinion that the prior art of record, taken alone or in combination, fails to disclose or render obvious one of an X2 and an XFP board coupled to a conversion board for operation in a XENPAK-sized casing, in combination with the rest of the limitations of the base claim.

Claims 15-20 are allowed by virtue of being dependent upon allowed base claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Website: <http://www.x2msa.org/MSA.asp>

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie Peng whose telephone number is (571) 272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cyp


BRIAN HEALY
PRIMARY EXAMINER